

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PREPARED FOOD PHOTOS, INC. *f/k/a* ADLIFE
MARKETING & COMMUNICATIONS CO.,
INC.,

Plaintiff,

—against—

EXECUTIVE DINING CLUB, INC. and GEM
CATERING INC. *d/b/a* CAFÉ GUSTO,

Defendants.

ORDER

22-cv-9446 (ER)

RAMOS, D.J.:

On May 25, 2023, a Default Judgment was entered against Executive Dining Club, Inc. and Gem Catering Inc, doing business as Café Gusto (“Defendants”). Doc. 41. On June 15, 2023, Prepared Food Photos Inc. (“Prepared Food Photos”) served its First Request for Production in Aid of Execution and First Set of Interrogatories in Aid of Execution (the “Discovery Requests”) on each Defendant via US Mail and e-mail. Docs. 43–44.

Pursuant to Fed. R. Civ. P. 6(d), the Defendants’ responses to the Discovery Requests were due by July 20, 2023.¹ Defendants failed to respond by that date.

On August 16, 2023, Prepared Foods Photos moved to compel Defendants to serve written responses to the First Request for Production in Aid of Execution (and produce any documents responsive thereto) and the First Set of Interrogatories in Aid of Execution. Doc. 45. Prepared Foods Photos also requested that the Court require Defendants to pay for the reasonable expenses/fees incurred in making the instant motion. *Id.* Additionally, Prepared Food Photos

¹ Under Fed. R. Civ. P. 6(d), when service is made via mail, three days are added after the period would otherwise expire.

ask that the Court deem waived Defendants' objections to the foregoing discovery (other than attorney-client privilege). *Id.*

Federal Rule of Civil Procedure 37(a)(3)(B), states that "[a] party seeking discovery may move for an order compelling an answer, designation, production, or inspection." Fed. R. Civ. P. 37(a)(3)(B). There Court hereby orders Defendants to serve written responses to Plaintiff's First Set of Interrogatories in Aid of Execution and to produce all documents responsive to Plaintiff's First Request for Production in Aid of Execution within thirty (30) days of this Order, by September 18, 2023. Further, the Court deems waived Defendants' objections to the foregoing discovery (other than attorney-client privilege). Plaintiff's request for costs is denied.

The Clerk of the Court is directed to mail a copy of this Order to Defendants.

It is SO ORDERED.

Dated: August 17, 2023
New York, New York



Edgardo Ramos, U.S.D.J.